

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 5/13/2020 1:47:32 PM
To: Hurlid, Kathy [Hurlid.Kathy@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Chemerys, Ruth [Chemerys.Ruth@epa.gov]
Subject: RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.
Attachments: 10008-96-OW.unsigned_clean5.13.20.docx

She did want us to take out the citations and accept her deletions, which Ruth did. I looked at the handbook and having more in the supplementary information is discretionary. Since the notice is so short already, we really don't need to create a separate summary of issues under supplementary info. Here is the final that I'm forwarding to OW.

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Sent: Wednesday, May 13, 2020 9:45 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

All, I was fine with her deletions, but I took from the message she wanted us to do more to the summary to make it shorter and be sure to remove citations etc. Not sure she did that throughout the summary. Did I misread her comment?

From: Wade, Alexis <Wade.Alexis@epa.gov>
Sent: Wednesday, May 13, 2020 12:37 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Agreed. Her changes work for me. Also her question on page 7 about whether U.S. should be U.S.C.: it should remain U.S. (for US Supreme Court).

Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel

(202) 564-3273

From: Kupchan, Simma <Kupchan.Simma@epa.gov>

Sent: Tuesday, May 12, 2020 5:20 PM

To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>

Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

I think her deletions are fine.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>

Sent: Tuesday, May 12, 2020 5:13 PM

To: Kupchan, Simma <Kupchan.Simma@epa.gov>

Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>

Subject: Re: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Do you want to redo summary or leave as is with her deletion

Sent from my iPhone

On May 12, 2020, at 5:09 PM, Kupchan, Simma <Kupchan.Simma@epa.gov> wrote:

I'm not sure what we would say, so I agree.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Sent: Tuesday, May 12, 2020 4:34 PM

To: Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

I'm fine with the edits that Stephanie in OP made. I'm not sure we need to add a supplementary information section since this notice is so short. Thoughts?

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Chemerys, Ruth <Chemerys.Ruth@epa.gov>
Sent: Tuesday, May 12, 2020 4:09 PM
To: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: Re: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Mindy- How do you want to handle this?

Ruth

Sent from my iPhone

On May 12, 2020, at 3:56 PM, Hurlid, Kathy <Hurlid.Kathy@epa.gov> wrote:

Alexis and Ruth you were not on this distribution.

From: Evalenko, Sandy <Evalenko.Sandy@epa.gov>
Sent: Tuesday, May 12, 2020 3:54 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Aguirre, Janita <Aguirre.Janita@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Subject: FW: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.
Importance: High

Mindy/Kathy: This is an encoded version of the ESA FRN. OP OFR requested edits more substantive edit of the Exec. Summary. Please send back this version with the edits accepted and changes made to the Exec summary.

Thanks,
Sandy

From: Stephanie Morris <Morris.Stephanie@epamail.epa.gov>

Sent: Tuesday, May 12, 2020 3:23 PM

To: Morris, Stephanie <Morris.Stephanie@epa.gov>; Evalenko, Sandy
<Evalenko.Sandy@epa.gov>

Subject: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Importance: High

OP has concluded review on a FR Dailies OW PKI document

Title: Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

FRL #: 10008-96-OW

Stage: Notice

<10008-96-OW.unsigned_smEdits.docx>